

From: Donna Baron

To: Donna Baron ; Olton, Laura (DPU) ; Why, Geoffrey G (DPU)

Cc: Gillett, Sharon (DTC)

Sent: Fri Aug 01 09:37:19 2008

Subject: RE: Questions re: MOA

I thought of one more question: would this MOA cover attachment disputes on poles owned by municipal electric companies?

Best,
Donna

From: Donna Baron

Sent: Thursday, July 31, 2008 2:57 PM

To: 'Laura.Olton@state.ma.us'; 'Geoffrey.G.Why@state.ma.us'

Cc: 'Gillett, Sharon (DTC)'

Subject: Questions re: MOA

Thank you for sending me the Memorandum of Agreement regarding jurisdiction over pole attachment and double pole disputes. See below for my questions and comments:

MOA #3 - will DTC and DPU share jurisdiction over single-owned poles?

MOA #3 - will primary purpose of the attachment always be what determines the appropriate agency to adjudicate a pole attachment complaint? What about, for example the location of a pole attachment? For example, if I want to attach an optical fiber cable for the purposes of transmitting intelligence into the electrical space of a single or joint-owned pole - who would adjudicate those attachment issues?

MOA #6 - this is excellent that DTC and DPU will jointly develop and promulgate regulations, policies and procedures, the more consistent regulations and policies can be (regarding pole attachments) between the two agencies the better. Will you look to make things more consistent between the two agencies?

MOA #8 - while this comment is not on the MOA but on 220 C.M.R. - 180 days to issue a final order is a lot of time and can severely hurt smaller entities if a project gets delayed and delayed while waiting.

MOA #8c - instead of dismissing the complaint and having the complaining party have to refile - couldn't the wrong agency forward to the right agency (at least between DTC and DPU?)

MOA #9 - what does "right of intervention" mean?

MOA #12 - how will the agencies decide if the MOA should be renewed after two years?

Best,
Donna

Donna L. Baron
Director of Information Technology
Five Colleges, Incorporated

97 Spring Street
Amherst, MA 01002

(413) 256-8316
(413) 256-0249 (fax)

<http://www.fivecolleges.edu>